

Application/Control No. 10/044,788
Response dated May 6, 2004
Reply to Office Action of November 6, 2003

Remarks

Claims 1-10 are active and pending in the present application, all of which stand rejected. In response, Applicant has provided the following remarks and the above Amendments.

Claim 7 is objected to for reciting "... a width in its elongate direction comparable to a lateral width ...". In response, claim 7 has been amended by changing the word "comparable" to the phrase "substantially equal". Applicant believes that this revision should eliminate the Examiner's confusion and withdrawal of the objection to claim 7 is respectfully requested.

Claim 3 stands rejected under the first paragraph of 35 U.S.C. 112. The Examiner contends that it is unclear what is meant by "... the squeegee blade extends laterally in a direction which has a component in a direction opposite to that in which the bristles extend." While Applicant realizes that the present amendment cancels claim 3, its subject matter has been included in amended claim 1 and, therefore, this rejection must still be addressed.

As an initial matter, the squeegee blade extends in an elongate direction and a lateral direction. The specific claim limitation at issue refers to the extension in the lateral direction. Applicant directs the Examiner's attention to page 6, lines 16-20 of the specification. This portion of the specification refers to FIG. 1 and explains that the squeegee blade 20 curves upwards in a direction opposite the direction the bristles extend (i.e., 180° from the bristles). This portion of the specification also describes the squeegee blade extending away from the brush body 8. Thus, in conjunction with the drawings, one of ordinary skill would readily appreciate that the specification describes a squeegee blade simultaneously extending both away from

Application/Control No. 10/044,788
Response dated May 6, 2004
Reply to Office Action of November 6, 2003

the brush body and upwardly (opposite the bristles). Thus, the direction of the lateral extension of the squeegee has two components – outward and upward. The claim language is consistent with this description by reciting a squeegee blade that extends in a direction having “a component opposite to that in which the bristles extend.” Accordingly, Applicant urges that the specification satisfies the first paragraph of 35 U.S.C. §112 by satisfactorily enabling one of ordinary skill to practice the claimed recitation about the lateral extension of the squeegee blade without undue experimentation. Reconsideration and withdrawal of the rejection of claim 3 are respectfully requested.

Claims 1-4 and 7-9 stand rejected under 35 U.S.C. 102(b) as anticipated by Hoagland (US D361,894). In rejecting the present claims under 35 U.S.C. 102, the Examiner is asserting that every limitation within the claims is identically disclosed within Hoagland. Applicant urges that Hoagland does not provide the factual basis to support the rejection of claims 1-4 and 7-9 under 35 U.S.C. 102. Claim 1 explicitly requires that the squeegee blade be “formed of a resiliently flexible material”. The design patent to Hoagland is silent as to the construction of the scraper blade shown in its figures. Additionally, Hoagland identifies the blade as a “scraper” in its title and claims; which, in common usage, denotes a rigid blade. Thus, Hoagland does not identically disclose a squeegee blade formed of a “resiliently flexible material”, as required by claim 1. Accordingly, Hoagland does not anticipate claim 1 as meant by 35 U.S.C. 102. Reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. 102 as anticipated by Hoagland are respectfully requested. For at least these reasons, reconsideration and withdrawal of the rejection of claims 2-4 and 7-9, which depend from claim 1 are also requested.

Application/Control No. 10/044,788
Response dated May 6, 2004
Reply to Office Action of November 6, 2003

Additionally, with respect to claim 8, Hoagland does not appear to include a "protruding lip with the squeegee blade molded onto said lip." More particularly Hoagland does not depict a protruding lip, a squeegee blade, nor molding of one piece to another. Thus, Hoagland does not anticipate claim 8 for these additional reasons, as well.

Claims 1-4, 7 and 9 stand rejected under 35 U.S.C. 102(e) as anticipated by Rowe et al. (US D459,088). 35 U.S.C. 102 requires that a claim is anticipated "only if each and every element set forth in the claim is found, either expressly, or inherently described, in a single prior art reference." [*Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628.] Applying this test to the present claims and reference, Rowe et al. fail to expressly or inherently disclose that their brush includes a squeegee blade formed of a resiliently flexible material, as recited by claim 1. Rowe et al. are silent as to the construction of their blade and, thus, do not expressly or inherently disclose this limitation of claim 1. Rowe et al., therefore, do not anticipate claim 1 under 35 U.S.C. 102 and reconsideration and withdrawal of the rejection under 35 U.S.C. 102 are respectfully requested, as are the rejections of claims 2-4, 7 and 9.

Claims 1-3, 5, 7 and 9 stand rejected under 35 U.S.C. 102(b) as anticipated by Sendoykas et al. (US 4,281,433). The Examiner asserts that the squeegee blade (14) of Sendoykas et al. extends in a direction generally transverse to the direction in which the bristles (20) extend. Applicant respectfully disagrees with the Examiner's conclusion. Fig. 1 depicts that the bristles extend in a direction substantially to the viewer's right. Even though the squeegee blade is obscured in FIG. 1, FIG. 3 helps illustrate that the squeegee blade extends in the same direction as the bristles (20). As amended, claim 1 carefully recites the direction in which the

Application/Control No. 10/044,788
Response dated May 6, 2004
Reply to Office Action of November 6, 2003

elongate blade extends and the direction in which the blade extends laterally. The specific claim language at issue here requires that the direction the blade extends be generally transverse to the direction the bristles extend. Sendoykas et al. do not disclose a squeegee blade extending transverse to the bristles and, therefore do not anticipate claim 1. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. 102 of claim 1 and its dependent claims 2, 3, 5, 7, and 9.

Claims 1-5, 7, 8 and 10 stand rejected under 35 U.S.C. 102(b) as anticipated by Lewis (US 4,607,411). Claim 10 has been cancelled. As amended, claim 1 requires that the squeegee blade be arranged "at an opposite end of the body to the handle." Lewis discloses a body that receives a handle on one face and accepts a squeegee blade on an adjacent face. Accordingly, Lewis does not disclose a cleaning implement having a squeegee blade that is "arranged at an opposite end of the body to the handle", as recited in claim 1. Furthermore, the squeegee blade of Lewis does not appear to extend laterally in a direction having a component opposite to that which the bristles extend. Lewis does not, therefore, anticipate claim 1 nor its dependent claims 2-5, 7, and 8. Reconsideration and withdrawal of the rejection under 35 U.S.C. 102 of these claims are respectfully requested.

In addition to the above remarks, the squeegee blade of Lewis does not include a component that extends laterally in a direction opposite the direction of the bristles (as required by amended claim 1) nor does the squeegee curve upwardly as required by claim 4. For these additional reasons, as well, Applicant urges withdrawal of the rejections based on Lewis.

Application/Control No. 10/044,788
Response dated May 6, 2004
Reply to Office Action of November 6, 2003

Claims 1-3, 5, 7,8 and 10 stand rejected under 35 U.S.C. 102(b) as anticipated by Brinker et al. (US 4,922,509). Claim 10 has been cancelled. As amended, claim 1 carefully recites the direction in which the elongate blade extends and the direction in which the blade extends laterally. The specific claim language at issue here requires that the direction the blade extends be generally transverse to the direction the bristles extend. FIG. 1 of Brinker et al. illustrates that the squeegee blade (12) extends in the same general direction as the bristles (30). FIG. 4 provides a view that shows both the bristles (30) and the blade (27) extending into the paper away from the viewer. Therefore, Brinker et al. do not disclose a squeegee blade extending transverse to the bristles and, therefore do not anticipate claim 1. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. 102 of claim 1 and its dependent claims 2, 3, 5, 7, and 8.

Claims 1, 3, 5, 7 and 10 stand rejected under 35 U.S.C. 102(b) as anticipated by Lambert (GB 204,365). Claim 1 requires that the squeegee blade extend generally transverse to the bristles. In direct contrast, the figure of Lambert shows the squeegee blade and the bristles extending in the same direction (i.e., to the viewer's right). Claim 1 requires that the squeegee blade be arranged at an end of the body opposite the handle. In Lambert, the squeegee blade is located adjacent one side of the handle. Claim 1 requires that the direction in which the squeegee blade laterally extends include a component in a direction opposite to that in which the bristles extend. In Lambert, there is no such component that is opposite the extension direction of the bristles. Accordingly, Lambert does not identically disclose all the limitations of claim 1 and its dependent claims and, therefore, does not anticipate these claims. Accordingly, Applicant respectfully requests

Application/Control No. 10/044,788
Response dated May 6, 2004
Reply to Office Action of November 6, 2003

reconsideration and withdrawal of the rejection under 35 U.S.C. 102 of claims 1, 3, 5, and 7.

Claim 6 stands rejected under 35 U.S.C. 103 as unpatentable over Lewis in view of Vrignaud (US 5,934,762). The Examiner asserts that Lewis discloses substantially all the limitations of claim 6 but admits that it does not disclose overmolding the squeegee blade and block. The Examiner contends, however, that Vrignaud discloses such overmolding and concludes that it would have been obvious to combine the teachings of these two references "so that the blade and body will remain especially rigid with a flexible lip or hinged connection."

As explained earlier, Lewis does not disclose a cleaning implement having a squeegee blade that is "arranged at an opposite end of the body to the handle" and "extends laterally in a direction which has a component in a direction opposite to that in which the bristles extend", as recited in claim 1. Vrignaud does not even disclose a squeegee blade and, therefore, also does not disclose a squeegee blade that is arranged at an opposite end of the body to the handle or extends in a particular direction. Thus, these references, either singly or in combination, do not disclose or suggest every limitation recited in claim 1 and its dependent claim 6. Accordingly, Lewis and Vrignaud do not provide the requisite basis for establishing a *prima facie* case of obviousness under 35 U.S.C. 103. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. 103 of claim 6.

In view of the above comments and amendments, Applicant believes that claims 1, 4-9, and 11-13 are in condition for allowance and passage of this case to issue is respectfully requested. The Examiner is invited to contact the undersigned

Application/Control No. 10/044,788
Response dated May 6, 2004
Reply to Office Action of November 6, 2003

in order to resolve any outstanding issues and expedite the allowance of this application.

Applicants are of the opinion that fees for a three month extension are necessary. However, If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

By: 
Wesley L. Strickland, Reg. No. 44,363

WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
PH: (513) 241-2324, Ext. 269
FX: (513) 241-6234

Page 10 of 10